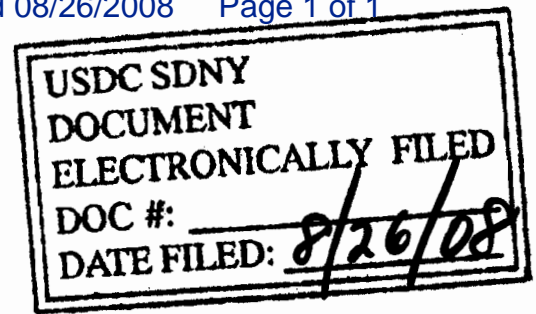


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
CALPINE CORPORATION

Plaintiff,

-against-

AP&M FIELD SERVICES, INC.,

Defendant.
-----X

07 Civ. 9911 (GEL)

ORDER

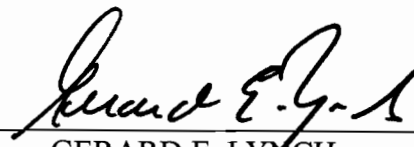
GERARD E. LYNCH, District Judge:

The Court having reviewed defendant's submissions dated August 7, 2008 and August 14, 2008, requesting a stay of discovery pending briefing and resolution of a spoliation motion, and having also reviewed plaintiff's submission dated August 13, 2008, opposing a stay of discovery, it is hereby ORDERED:

1. Defendant may submit a spoliation motion, but defendant's application to stay discovery pending briefing and resolution of any such motion is denied.
2. The parties shall confer and submit to the Court a stipulation and proposed order outlining the parties' agreed-upon briefing schedule.

SO ORDERED.

Dated: New York, New York
August 26, 2008


GERARD E. LYNCH
United States District Judge